MYSORE ACT No. V OF 1931

(AS AMENDED BY ACT XVIII OF 1949.)

THE MYSORE MEDICAL REGISTRATION ACT, 1931*

(Received the assent of His Highness the Maharaja on the Twenty-sixth day of December 1931.)

An Act for the Registration of Medical Practitioners in [1][the State of Mysore except Bellary District.]

WHEREAS it is expedient to provide for the registration of medical practitioners practising the Allopathic system of Medicine, Surgery and Obstetrics in [1][the State of Mysore except Bellary District]; it is hereby enacted as follows :—

Short title.

1. (*i*) This Act may be called the Mysore Medical Registration Act of 1931.

Extent.

(*ii*) It extends to the [1][whole of the State of Mysore except Bellary District].

Commencement of the Act.

2. The provisions of section 4 shall come into force on such date as the Government may notify in this behalf. The rest of this Act, shall come into force at once.

Definitions.

3. In this Act unless there is something repugnant in the subject or context—

(1) "Council" means the Medical Council established by this Act;

(2) "Prescribed" means prescribed by rules or bye-laws made under this Act;

(3) "Registered Practitioner" means any person registered under the provisions of this Act.

Privileges of registered practitioners.

4. Notwithstanding anything to the contrary in any enactment, rule, bye-law or any other provision of law :—

(1) No certificate required by law to be given by a medical practitioner or officer shall be valid unless signed by a registered practitioner.

(2) Except with the special sanction of the Government, no one other than a registered practitioner shall be competent to hold any appointment as medical officer of health or as physician, surgeon or other medical officer

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* The Act was published under Order No. P. 3572—Legis. 31-30, dated 30th December 1931.

1. See the Mysore Adaptation of Laws Order, 1953.

in any hospital, asylum, infirmary, dispensary, lying-in-hospital, or sanatorium where the Allopathic System is practised and which is not supported entirely by voluntary contributions.

Medical Council.

5. (1) A Medical Council shall be established for Mysore and shall consist of ten members as follows:—

(*a*) A president nominated by the Government;
(*b*) one member elected by the medical faculty of the Mysore University;
(*c*) two members elected by the registered practitioners who are graduates in Medicine of the Mysore University or of any of the Universities named in the schedule hereto;
(*d*) two members elected by all other registered practitioners;
(*e*) four members nominated by the Government.

(2) The Council shall elect in the prescribed manner from among its members a Vice-President who shall preside at the meetings of the Council in the absence of the president.

Qualifications for membership of Council.

6. No person shall be eligible to be a member of the Council unless he is a registered practitioner.

Tenure of office of members.

7. The members of the Council shall hold office for a term of three years and shall be eligible for reappointment.

Members of the first Council.

8. Notwithstanding anything contained in sections 5, 6 and 7, the members of the first Council shall be nominated by the Government and shall hold office for a period of one year.

Any vacancy occurring during this period shall be filled by the Government by nomination for the unexpired term of the Council.

Cessation of membership.

9. A member of the Council shall be deemed to have vacated his seat—

(1) on sending his resignation in writing to the President or Registrar;
(2) on his absence, without excuse sufficient in the opinion of the Council, from three consecutive meetings of the Council;
(3) on his absence out of Mysore for six consecutive months;
(4) on removal of his name from the register;

(5) on his being declared an insolvent by any competent court;

(6) on expiry of the term mentioned in section 7.

Filling up of vacancies.

10. When the seat of any member becomes vacant, the vacancy shall be filled up by election or nomination, as the case may be, in accordance with the provisions of section 5. Until it is so filled up, the remaining members may act as if no vacancy had occurred.

Registrar and other officers.

11. (1) The Council shall appoint a Registrar who shall act as Secretary of the Council and who shall also act as Treasurer unless the Council shall appoint another person as Treasurer. The appointment of the Registrar shall be subject to the approval of the Government.

(2) The Council may employ such other persons as it may deem necessary for the purposes of this Act.

(3) All persons appointed or employed under this section shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

Medical register.

12. [1](1) It shall be the duty of the Registrar to keep a register of medical practitioners and from time to time to revise the register and publish it in the prescribed manner. Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, as in force in Mysore and may be proved by a copy published in the *Official Gazette*.

[2][(2) To enable the Registrar to fulfil the duties imposed upon him by sub-section (1), he may send through the post a letter to any registered practitioner, addressed to him according to his registered address or appointment, to enquire whether he has ceased to practise or whether his residence or appointment has been changed; and if no answer to any such letter is received within a period of six months from its despatch, the Registrar may erase the name of such registered practitioner from the register:

Provided that any name erased under this sub-section may be re-entered in the register under the direction of the Medical Council upon payment of a fee of five rupees.]

1. Section 12 re-numbered as sub-section (1) by Act XVIII of 1949.
2. Added by Act XVIII of 1949.

Meetings of Council.

13. No business shall be transacted at a meeting of the Council unless at least five members are present.

All questions which may come before the Council shall be decided in accordance with the votes of the majority of the members present and voting at the meeting. In the case of an equality of votes the member presiding at the meeting shall have a casting vote.

Persons entitled to be registered.

14. Subject to the provisions of section 15, every person who is possessed of any of the qualifications described in the schedule shall be entitled to be registered on furnishing to the Registrar proof of such qualification :

Provided that the Government may, after consulting the Council, permit the registration of any person who shall furnish proof that he is possessed of a medical degree, diploma or certificate of any University, medical college or school approved by the Council, other than those described in the schedule ;

Provided further that the Council may refuse to permit the registration of any person who has been convicted of any such offence as implies, in the opinion of the Council, a defect of character or who, after inquiry at which, opportunity has been given to the candidate to be heard in person or by pleader, has been held by the Council to have been guilty of infamous conduct in any professional respect.

Registration fee.

15. (1) Every person who applies to be registered under this Act shall pay a registration fee of fifteen rupees.

(2) Every registered practitioner who applies to the Registrar for registration in respect of any additional qualification obtained subsequent to registration under this Act, shall pay a fee of five rupees.

Appeal to Council from decision of Registrar.

16. If any person is dissatisfied with any decision of the Registrar refusing to enter the name or any title or qualification of such person in the register of registered practitioners, he may, at any time within three months from the date of such decision, appeal to the Council whose decision shall be final.

Fraudulent entry.

17. (1) The Council may, if it sees fit and after giving due notice to the person concerned and inquiring into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Council to have been fraudulently or incorrectly made or brought about be cancelled or amended.

Removal from Register.

(2) The Council may, after due enquiry, direct the removal altogether or for a specified period from the register, of the name of any registered practitioner for the same reasons for which registration may be refused by the Council under section 14; and the second proviso thereto shall apply to any inquiry under this section. The Council may also direct that any name so removed shall be restored.

Council may appoint a Committee for inquiries.

18. (1) An inquiry under section 14 or section 17 may be held by a committee consisting of three members of the Council elected for the purpose by the Council. The Council or the committee, as the case may be, may, at its discretion, hold such inquiry *in camera*. The decision of the committee shall be deeemed to be the decision of the Council.

Committee to be deemed a Court.

(2) For the purpose of any such inquiry or of any appeal under section 16, the Council or any committee thereof elected as aforesaid shall be deemed to be a Court within the meaning of the Indian Evidence Act, as in force in Mysore.

Appeal to Government.

19. An appeal shall lie to the Government against every decision of the Council under section 14 or section 17. Such appeal shall be preferred within three months from the date of the Council's decision.

Bar to suits and other legal proceedings.

20. No suit or other legal proceeding shall lie in respect of any act done in the exercise of any power conferred by this Act on the Government or the Council or the Registrar.

Alteration of schedule.

21. It shall be lawful for the Government by notification in the *Official Gazette* to alter the schedule;

Provided that no medical degree, diploma or certificate granted in any country or territory outside [1][the State of Mysore except Bellary District] where the medical degree, diploma or certificate of the Mysore Government or of the Mysore University is not recognised, shall be included in this schedule.

Power of Council to call for information, etc.

22. The Council shall have power to call on the governing body or authorities of any University, medical college or school, included or desirous of being included in the schedule—

(*a*) to furnish such reports, returns or other information as the Council may require to enable it to judge of the

1. See the Mysore Adaptation of Laws Order, 1953.

efficiency of the instruction given therein in medicine, surgery and midwifery ; and

(*b*) to provide facilities to enable any member of the Council deputed by the Council in this behalf to be present at the examinations held by such University, college or school.

Control by the Government.

23. If at any time it shall appear to the Government that the Council has neglected to exercise or has exceeded or abused any power conferred upon it under this Act or has neglected to perform any duty imposed upon it by this Act, the Government may notify the particulars of such neglect, excess or abuse to the Council and if the Council fails to remedy such neglect, excess or abuse within such time as may be fixed by the Government in this behalf, the Government may, for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the Council to be exercised and performed by such agency and for such period as the Government may think fit.

Penalty on un-registered person representing that he is registered.

24. If any person whose name is not entered in the register of registered practitioners, falsely pretends that it is so entered, or uses in connection with his name or title any words or letters representing that his name is so entered, he shall, whether any person is actually deceived by such representation or not, be punishable, on conviction by a magistrate of the First Class, with fine which may extend to three hundred rupees.

Power to make rules and bye-laws.

25. (1) The Government may, after previous publication, make rules for the purpose of carrying out the provisions of this Act.

In particular and without prejudice to the generality of the foregoing provision, the Government may make rules,—

(i) for the election of members to the Council under sections 5 and 6 ;

(ii) for the election of the vice-president of the Council ;

(iii) to regulate the procedure at an inquiry held under section 14 or section 17 ;

(iv) for the institution, hearing and disposal of appeals under section 16 or section 19 ;

(v) for the compilation, revision and publication of the register ;

(*The Schedule*)

(vi) for the disposal of fees received under this Act.

(2) The Council, may, with the previous sanction of the Government, make bye-laws—

(i) for the convening of meetings of the Council;
(ii) for the conduct of business at such meetings;
(iii) for the appointment, control, pay and allowances of the establishment employed under section 11.

THE SCHEDULE.

1. A degree or diploma granted by the University of Mysore declaring a person to be qualified to practise Medicine, Surgery and Midwifery.

2. The degree of Doctor, Bachelor and Licentiate of Medicine and Master, Bachelor and Licentiate of surgery of the Universities of Madras, Bombay and Calcutta.

3. A diploma or certificate granted by the Government of Madras, Bombay and Bengal to any person trained in a Medical College or School declaring him to be qualified to practise Medicine, Surgery and Midwifery.

4. The Diploma of Fellow and Member and the Licentiate certificate granted by the State Medical Faculty of Bengal and the College of Physicians and Surgeons of Bombay.